REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow claims 1-10, 13-20, 23-24 and 26, as well as newly added Claims 27-28, the only claims pending, after entry of this amendment, and currently under examination in this application.

Claims 8 and 19 are currently amended to specify that a reference unit is:

> "the integrated maximum fluorescence energies from 547 nm to 597 nm obtainable from a 1 mm thick section of fused silica when said silica is irradiated by a monochromated high pressure Xe lamp excitation source centered at 532 nm with a width at half-maximum of about 5 nm".

Support for these amendments may be found at page 9, lines 6-15, wherein the term "reference unit" is defined as above. Accordingly, these amendments add no new matter to the application.

Claims 27 and 28 have been added. Support for these claims may be found at page 13, lines 25-26. Accordingly, no new matter has been added to the application.

As such, the Examiner is respectfully requested to enter the above amendments.

Claims 8 and 19 are rejected under 35 U.S.C. § 112, first paragraph, for an asserted lack of enablement with respect to the term "reference unit." Without conceding to the position of the Office, the Applicants have amended Claims 8 and 19 to set forth the definition of "reference unit," thereby obviating this objection. Accordingly, the Applicants respectfully request this rejection be withdrawn.

Claims 1-10, 12-20, 22-24 and 26 are rejected under 35 U.S.C. § 112, first paragraph, as adding new matter. The Office asserts that the term "continuous" as

used to define a glass layer is not supported by the specification. The Applicants respectfully traverse.

According to the MPEP at § 706.03 (o) new matter constitutes matter in the claims or specification that is added and not supported by the original application. However, MPEP § 2163.07 stands for the proposition that a claimed invention does not have to use the exact wording of the specification, as a mere rephrasing of a passage does not constitute new matter. Accordingly, claim language which is merely a rewording of a passage where the same meaning remains intact is permissible.

As set forth above, the specification at page 9, lines 3-5 states that a "web" may include a "long continuous piece of substrate material" and page 4, lines 20-21 states that a "substrate" may include "a glass layer." Accordingly, the glass layer may be a "long continuous piece" of the substrate. Therefore, "a continuous glass layer forward of the base layer" is merely a rephrasing of the cited passage, is fully supported by the specification as originally filed, and therefore does not constitute new matter.

The Office asserts that deposition of glass layer via sputtering suggests an uneven and/or spotted deposition in a non-continuous layer. The Applicants disagree. The Office has provided no reasoning within the Applicant's specification or otherwise as to the grounds supporting this "suggestion" and contrary to the Office's assertion, sputtering is a technique well known in the art for fabricating continuous layers of glass. For instance, the Applicants are herein including the following excerpt from the MicroChem website found at http://www.microchem.com/resources/ which describes that sputtering inherently produces uniform layers :

> SPUTTERING
> In sputter deposition (commonly called 'sputtering'), material is removed, as atoms or molecules, from a solid target by energetic ion bombardment and

> deposited as atomic layers on a substrate. By applying a high RF or DC voltage between the target (cathode) and the substrate (anode), energetic electrons emitted from the target form ions in the process gas, typically argon at 1 to 100 mtorr pressure. Under these conditions, a plasma (an electrically neutral association of electrons and positive ions) is formed.
>
> The applied electric field accelerates Ar+ ions from the plasma's edge into the target with kinetic energies up to several hundred eV. Energy transfer causes target atoms to eject with similar energies. Between target amd substrate, however, each ejected atom has numerous gas phase collisions with the process gas, which deflect it and lower its energy. By optimizing the distance between target and substrate, the approach angles of the target atoms to the substrate surface are so randomized that **a uniform film** results. [emphasis added]

Accordingly, there is no reason to believe that because the Applicants disclose employing sputtering to produce a glass layer that such a layer would not be continuous. Additionally, the Applicants would again like to point out that as seen in FIG. 3, element 14d is a continuous glass layer.

In view of the above, it is clear that the term "continuous" in the claims does not represent new matter. Therefore, the Applicants submit that these claims are fully supported and respectfully request this rejection be withdrawn

Claims 1-6, 9-10, 12-17, 20, 22-24 and 26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Chen et al. in view of Giaever or Dickinson. The Applicants respectfully traverse.

According to the MPEP, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Additionally, the identical invention must be shown in as complete detail as is contained in the claim. See MPEP 2131.

An element of the claims as currently pending is a layer between the base and glass layers that blocks at least 10% of an illuminating light incident on the front surface from reaching the plastic base layer.

In making the rejection, the Office asserts that Chen et al. discloses a plastic base layer and a glass layer with a metallic layer sandwiched in between. The Office admits that Chen et al. do not teach the light-blocking property of the intermediate layer as required by the currently pending claims. Accordingly, the Office turns to Giaever and Dickinson for the proposition that any metal intermediate layer will inherently block at least 10% of an illuminating light. The Applicants contend that this is simply not true. For instance, Giaever teaches the use of a transparent second layer of metal:

> "Adhered directly to the outer surface of transparent layer 12 is a second transparent layer of a second metal."

See column 2, lines 58-60. Because Giaever teaches an intermediate metal layer that is transparent, the assumption that any metal intermediate layer will inherently block at least 10% of an illuminating light is not well founded.

Accordingly, Chen et al., as supported by Giaever and Dickinson, does not teach a layer between the base and glass layers that blocks at least 10% of an illuminating light incident on said front surface from reaching said plastic base layer. Because the prior art references do not teach all of the limitations of the rejected claims, anticipation of the rejected claims has not been established. The Applicants, therefore, respectfully request withdrawal of this rejection.

Claims 7 and 18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Chen et al. The Applicants respectfully traverse. Claims 7 and 18 depend from independent Claims 1 and 14 respectively. Both Claims 1 and 14 recite an intervening layer having a light blocking property. The Office acknowledges that Chen does not teach an intermediate layer with a light blocking property. Because,

as taught by Giaever, metal layers may either be transparent or blocking, and because Chen does not teach or fairly suggest that the metal layers disclosed therein block at least 10% of light incident thereon, Chen can not be used to render the present claims obvious. Accordingly, the Applicants respectfully request this rejection be withdrawn.

CONCLUSION

The applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Dianne Rees at 650 485 5999. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

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